

**ORDINANCE #2012-7C**

**AN ORDINANCE AMENDING AN ORDINANCE entitled, “Code of the Borough of Beach Haven, County of Ocean, State of New Jersey, (2000)” as the same in Chapters 90 deals with fees and in Chapter 153 deals with public records.**

**THE MAYOR AND COUNCIL OF THE BOROUGH OF BEACH HAVEN DO ORDAIN:**

**SECTION I**

**PURPOSE**

This Ordinance authorizes the leasing of advertising space on the rear of lifeguard stands utilized by the beach patrol in the Borough of Beach Haven as an additional revenue source for the general revenues of the Borough of Beach Haven. This is accomplished by the addition of a new Section, §90-12 as herein below set forth.

The Ordinance also amends Chapter 153 by adding a new Section concerning and describing the official records of all meetings of Official Boards and Bodies of the Borough of Beach Haven and prohibiting the sound recording, video recording or any other visual recording of such meetings except as may be authorized by Resolution duly adopted by any such Official, Board or Body exempting a specific meeting from the recording prohibitions.

**SECTION II**

Chapter 90 of an Ordinance entitled “**Code of the Borough of Beach Haven, County of Ocean, State of New Jersey, (2000)**” is hereby amended by the addition of §90-12 as follows:

**§90-12** Advertising fees for advertisements placed upon lifeguard stands used by the lifeguards while monitoring beach activities on Borough Beaches.

(A) The Governing Body of the Borough of Beach Haven is cognoscente of the ever spiraling expense imposed upon property owners in the Borough of Beach Haven caused by increased expenses incurred by the Borough in the operation of Borough affairs. Being cognoscente of such condition the Governing Body of the Borough of Beach Haven has determined that seeking sources of additional income which could help defray operating expenses of the Borough is both prudent and advisable and having discussed various methods in which additional funds might be raised for the general fund of the Borough of Beach Haven the Governing Body has determined that a viable and feasible source of additional income would be the renting or leasing of advertising space on the backs of beach patrol stands utilized by the Beach Patrol in the Borough of Beach Haven, therefore, the Governing Body of the Borough of Beach Haven has determined to let or lease advertising space on the backs of beach patrol stands located in the Borough of Beach Haven in accordance with the terms herein below in this Chapter set forth.

(B) Location of Stands. The location of stands upon which advertising space will be let are on the oceanfront at the end of the following streets:

- (a) 12<sup>th</sup> Street
- (b) Taylor Avenue
- (c) 5<sup>th</sup> Street
- (d) 2<sup>nd</sup> Street
- (e) Center Street
- (f) Engleside Avenue
- (g) Pearl Street
- (h) Belvoir Avenue
- (i) Essex Avenue
- (j) Liberty Avenue
- (k) Leeward Avenue

Additional locations for stands with advertisements may from time to time be created by the Governing Body of the Borough of Beach Haven upon the adoption of an appropriate Resolution.

(C) The maximum size of any leased size shall be twenty four (24) inches vertically and forty eight (48) inches horizontally. Each sign shall be constructed on a material of the advertiser's choice on a flat board not less than 3/8<sup>th</sup> of an inch thick nor more than 3/4 of an inch thick.

(D) Each sign shall have a single hole 1/2 inch in diameter drilled in each of the four corners of the sign located so that the exterior edge of the hole is three (3) inches from each of the abutting exterior edges of the sign.

(E) Application may be made to the Borough Clerk for the location desired and when the beach patrol stands have been placed on the beach the advertisements will be displayed thereon. Display may commence as early as May 25<sup>th</sup> of each year and may extend through September 15<sup>th</sup> of each year, however, the stands will be in place commencing no later than noon on the last Saturday in June and ending no later than 12 noon on Labor Day of each year. Additional periods may be available at the discretion of the Beach Patrol Chief or his or her designee.

(F) The cost of the annual placement of such advertisement for the period May 25<sup>th</sup> through Labor Day shall be fixed annually by Resolution of the Regular Meeting of the Governing Body held in April of each year.

(G) No signs shall be three dimensional but shall be a flat surface only.

(H) Each sign may advertise only a single business.

(I) Once approved and installed no advertisement may be changed nor replaced during the calendar year provided, however, that in the event the advertisement is severely damaged by vandalism, extreme weather or other cause

beyond control of the Borough of Beach Haven or the advertising Lessee a new advertisement may be installed at the sole discretion of the Department of Public Works if the cause of the damage to any advertising sign is determined to be vandalism, extreme weather or other cause beyond the control of the Borough of Beach Haven or of the Lessee. In the event damages determined to require a replacement the sign may be reproduced at the sole cost of the Lessee and will be installed by the Beach Haven Department of Public Works.

(J) All advertising signs will be removed from the beach patrol stands by the Beach Haven Department of Public Works when the lifeguard stands are removed from the beach and stored for the off season months and left in the Municipal Clerk's Office from whence they must be retrieved by the Lessee prior to 12 noon December 31<sup>st</sup> of the year in which the advertisement was placed. Any advertising signs not picked up prior to 12 noon December 31<sup>st</sup> of the year in which the advertisement was placed will be disposed of by the Borough of Beach Haven Department of Public Works.

(K) Acquisition of Lease. Any merchant desiring to take advantage of the outdoor advertising display offered by this Ordinance shall submit a written application to the Borough Clerk together with the lease payment required by the appropriate Resolution of the Governing Body. Payment must be in the form of cash, check, money order or certified check made payable to the Borough of Beach Haven and the application shall include a detailed drawing or photograph of the proposed sign. The Borough reserves the right to reject any proposed advertisement which the Borough may determine to be in poor taste, offensive or not in the best interests of the Borough of Beach Haven. Once a sign has been applied for, approved and paid for there will be no refunds for any reason.

### **SECTION III**

Chapter 153 of an Ordinance entitled "**Code of the Borough of Beach Haven, County of Ocean, State of New Jersey, (2000)**" is hereby amended by the addition of a new Section as follows:

**§153-2.** Official records of all meeting of official boards and bodies of the Borough of Beach Haven.

A. All boards and bodies of the Borough of Beach Haven, in addition to keeping formal minutes which are read and approved at a meeting following the meeting which is being reported, either audio tape or video tape the meetings and the formal minutes, the official audio tapes or video tapes are the only official records of the Borough of Beach Haven.

B. In order to avoid any confusion concerning the official records of the various official boards and bodies of the Borough of Beach Haven it is hereby declared illegal for any individual, firm, person or corporation to record either by audio tape, video tape or otherwise other, than by simple hand written notes, any meeting of any official board or body of the Borough of Beach Haven.

C. In order to implement the prohibition hereinabove set forth in paragraph B, it is forbidden for any firm, person or corporation to have in his, her or its possession either an audio or video recording device at any meeting of any official board or body of the Borough of Beach Haven except as herein below provided in paragraph D.

D. Any official Board or Body of the Borough of Beach Haven may, by Resolution duly adopted, grant an exception to the prohibitions to paragraphs B & C above for a single specific meeting or for specific multiple meetings.

E. Any person convicted of a violation of the provisions of Paragraph B above prohibiting recording any meeting of any official board or body of the Borough of Beach Haven either by audio tape or video tape shall be fined for a first offense not less than One Hundred Dollars (\$100.00) not more than Five Hundred Dollars (\$500.00) and for any subsequent offense not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00)

#### **SECTION IV**

All Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency.

#### **SECTION V**

If any word, phrase, clause, section or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional such word, phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

#### **SECTION VI**

This Ordinance shall take effect upon publication thereof after final passage according to law.

### **NOTICE**

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Borough Council of the Borough of Beach Haven, County of Ocean, State of New Jersey, held on Wednesday, May 9, 2012 at 1:00 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a public meeting of the Borough Council to be held on Wednesday, May 23, 2012 at 100 p.m. at the Beach Haven Municipal Building, 300 Engleside Avenue, Beach Haven, NJ 08008.

Sherry Mason, RMC  
Municipal Clerk

### **CERTIFICATION**

I, Sherry Mason, RMC, Municipal Clerk of the Borough of Beach Haven, do hereby certify that the foregoing Ordinance was duly adopted on first reading by the Municipal Council of the Borough of Beach Haven at a regular meeting held on the 9th day of May, 2012 a quorum being present and voting in the majority.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 9th day of May, 2012.

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Sherry Mason, RMC, Municipal Clerk

<b><i>First Reading:</i></b>	<b><i>May 9, 2012</i></b>
<b><i>Publication:</i></b>	<b><i>May 12, 2012</i></b>
<b><i>Final Reading:</i></b>	<b><i>May 23, 2012</i></b>
<b><i>Final Publication:</i></b>	<b><i>May 25, 2012</i></b>
<b><i>Effective:</i></b>	<b><i>June 14, 2012</i></b>